

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

NICOLAS BRITO,  
a/k/a "Nicholas Brito,"  
a/k/a "Jose Brito,"  
a/k/a "Francisco Brito,"

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: MAR 28 2008

INFORMATION  
**08CRIM 281**

COUNT ONE

The United States Attorney charges:

1. From at least in or about mid-2006 up to and including on or about July 12, 2007, in the Southern District of New York and elsewhere, NICOLAS BRITO, a/k/a "Nicholas Brito," a/k/a "Jose Brito," a/k/a "Francisco Brito," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that NICOLAS BRITO, a/k/a "Nicholas Brito," a/k/a "Jose Brito," a/k/a "Francisco Brito," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title

21, United States Code.

OVERT ACT

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about July 12, 2007, NICOLAS BRITO, a/k/a "Nicholas Brito," a/k/a "Jose Brito," a/k/a "Francisco Brito," the defendant, possessed approximately seven kilograms of heroin in Manhattan, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Information, NICOLAS BRITO, a/k/a "Nicholas Brito," a/k/a "Jose Brito," a/k/a "Francisco Brito," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Information.

Substitute Asset Provision

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)

Michael J. Garcia  
MICHAEL J. GARCIA  
United States Attorney

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INFORMATION

08 Cr. (JFK)

(Title 21, United States Code,  
Section 846.)

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MICHAEL J. GARCIA  
United States Attorney.

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3/28/08 - Filed Warrant of Indictment & INFO.  
G.C. - Deft (DET) Pres. w/atty D. Buchtman  
USA Marshal Camp pres. Spanish Interp.  
Pres. Deft ~~Entered~~ Plea of NOT Guilty  
"Case" previously ~~assigned~~ to Judge Kaemmer.  
Deft. Det.